



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE M.S.RAMESH

WMP.No.20793 of 2021

in WP.No.12543 of 2021

V.SELVAMANI

[PETITIONER]

Vs

THE MANAGEMENT
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD.,
REP. BY ITS GENERAL MANAGER,
CUDDALORE REGION, CUDDALORE.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the Writ Petitioner either to reinstate him or to pay him the last drawn wages payable under Section 17(B) of the I.D.Act every month from the date of filing of the Writ Petition and till the (in WMP.No.20793 of 2021) disposal of the WP.No.12543 of 2021.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.AJOY KHOSE, Advocate for the petitioner and of MR.C.S.K.SATHISH, Advocate for M/S.A.ANTONY AROCKIARAJA on behalf of the Respondents, the court made the following order:-

Under Section 17-B of the Industrial Disputes Act, 1947, whenever the Labour Court directs reinstatement of the workman or the authority rejects the Approval Petition under Section 33(2)(b) of the Act, which award/rejection order have been challenged before the High Court or the Hon'ble Supreme Court and the workman was not gainfully employed in any establishment during such period and has filed a duly sworn in affidavit substantiating that he was not gainfully employed from the date of the award/rejection order, the Management is mandated to pay the last drawn wages under Section 17-B of the Act.

2. In a recent order passed in W.M.P.No.21520 of 2021 in W.P.No.1580 of 2021, dated 01.11.2021, this Court had held that such payment of the last drawn wages under Section 17-B, would normally commence from the date of filing of the writ petition and whenever there is an inordinate and unexplained delay on the part



of the Management in not challenging the award/rejection of the Approval Petition, such payment would commence from the date of the award/rejection order.

3. In the instant case, the impugned Award in I.D.No.45 of 2017 was passed on 12.09.2019 and the Management had challenged the same in this writ petition on 03.02.2020. The delay in filing the writ petition cannot be construed as inordinate in nature. The petitioner herein/workman has also filed an affidavit before this Court, wherein he has stated that he was not gainfully employed during the relevant period and hence, he would be entitled for payment of the last drawn wages from the date of filing of the writ petition.

4. As such, there shall be a direction to the petitioner/Management to pay the workmen the last drawn wages as provided under Section 17-B of the Industrial Disputes Act from the date of filing of the writ petition. The Management shall endeavour to disburse the arrears of such wages, atleast within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ miscellaneous petition stands disposed of.

-sd/-

02/11/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE GENERAL MANAGER,
THE MANAGEMENT,
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD., CUDDALORE REGION,
CUDDALORE,

C.C. to M/S.V.AJOY KHOSE, Advocate SR.No.6384/2021

Order
in
WMP.No.20793 of 2021
in WP.No.12543 of 2021
Date :02/11/2021

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GS(12/11/2021)

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